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Forty-seventh session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 February 1991, at 10 a.m.

Chairman: Mr. MARTIUS (Germany)

later: Mr. BERNALES BALLESTEROS (Peru)

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The meeting was called to order at 10.25 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(agenda item 12) (continued) E/CN.4/1991/3, 4, 27-32, 33 and Add.1, 34, 36, 37, 69, 70, 74 and 77; E/CN.4/1991/NGO/5, 27, 29-31, 34 and 35; S/21907; A/45/567, 578, 607, 630, 664 and 697; E/CN.4/1990/22 and Add.1, 24-26 and 28 and Add.1)

1. Mrs. ABOUL-EZZ (Observer for Egypt), speaking in exercise of the right of reply, said that contrary to the claims of the representative of the International Association for the Defence of Religious Liberty, religious minorities were not the victims of persecution in Egypt. Firstly, Christian Egyptians were not considered to be a minority; they had on the contrary always been one of the pillars of national unity. Secondly, all religions were tolerated in Egypt, a country which had always been a haven for the persecuted. Having said that, while the Egyptian Constitution guaranteed freedom of religion, criminal law prohibited the exploitation of religion for political ends, to incite hatred against another religion or to attempt to undermine national unity. As for the three individual cases mentioned by the non-governmental organization in question, it must be remembered that they had been the subject of an inquiry whose conclusions the Egyptian Government had communicated to the Centre for Human Rights and that the representative of the International Association for the Defence of Religious Liberty should have consulted those findings before making baseless allegations. Moreover, the Egyptian authorities had never refused building permission for churches. Between 1 January 1988 and 1 January 1990, 26 churches, 12 of them Orthodox, had been built and 9 more building licences had just been granted. As for the discrimination based on religion supposedly practised in public office, it had never existed and in fact State positions with a great deal of responsibility were currently occupied by Christians.

2. Mr. MARKIDES (Cyprus), speaking in exercise of the right of reply, deplored the new attempt made by the observer for Turkey to divert the Commission's attention from the flagrant violations of human rights which had been perpetrated by his country against the people of Cyprus and which had been condemned by the international community. He reminded the observer for Turkey that there were not, as he claimed, two peoples in Cyprus with the right to separate self-determination, but a single people composed of the Greek Cypriot community (82 per cent) and the Turkish Cypriot community (18 per cent). It was that right to self-determination of the people of Cyprus as a whole which Turkey had violated by invading and occupying part of the island and by expelling 80 per cent of the population from the occupied territory. That observer had also forgotten that the supposed secession of the occupied territory of Cyprus, which had been recognized only by Turkey itself, had been repeatedly condemned in strong terms by the United Nations Security Council in its resolutions 541 (1983) and 550 (1984).

3. As to the situation of Turkish Cypriots before 1974, he referred the observer for Turkey to the eloquent report of the United Nations Secretary-General on that issue. He also pointed out that Turkey had always refused to allow prestigious human rights bodies to scrutinize the allegations it made and that instead Turkey had opted for propaganda.

4. In addition, the observer for Turkey wanted once more to give the impression that Turkey accepted Security Council resolution 649 (1990), when in fact that resolution had been adopted specifically to reject the demands of Turkey about the supposed existence of "two peoples" and a separate right to self-determination which quite simply did not exist, and further that that resolution called for observance of the fundamental freedoms of all Cypriots. Moreover, in resolution 649 (1990) the Security Council reaffirmed the provisions set out in all its other resolutions as well as those of the General Assembly concerning Cyprus. If then Turkey accepted, as it claimed, resolution 649, it must also accept all those resolutions, including General Assembly resolution 3212 (XXIX), which urged the speedy withdrawal of all foreign armed forces from the Republic of Cyprus, called upon the parties concerned to ensure the return of refugees to their homes and called for observance of the independence, sovereignty and territorial integrity of the Republic of Cyprus.

5. Because of the continuing occupation of a large part of the island by Turkey, the people of Cyprus could not enjoy human rights and fundamental freedoms. The time had therefore come for Turkey to comply finally with the demands of the international community by implementing the resolutions on Cyprus adopted by the Security Council, the General Assembly and the Commission on Human Rights itself.

6. Mr. OMAR (Observer for the Libyan Arab Jamahiriya), speaking in exercise of the right of reply, rejected all the allegations made by the International Association of Educators for World Peace, who should check their sources before presenting any information to the Commission. In that way it would make a more credible and constructive contribution to the work of that body. His delegation doubted that the representative of that non-governmental organization was genuinely concerned with defending human rights, but it nevertheless invited the representative to go to Libya in order to witness at first hand the situation in the country.

7. Mr. ALFONSO MARTINEZ (Cuba), speaking in exercise of the right of reply, stated that he had not been surprised by the absurd allegations made against the Cuban Government and the Cuban Revolution by the representative of the International Association of Educators for World Peace. The allegations did not in fact contain anything new; they were merely a new demonstration of the increasingly flagrant manipulation of the question of human rights in Cuba in the Commission. The representative of the Association claimed to speak on behalf of the people of Cuba when in fact she was the voice of her master, a master at whose hands the Cuban people had suffered for so long. She had moreover inherited the arrogance of her master because she believed that it was not necessary for the Commission to examine the complaints made against Cuba and that there was no point in bringing evidence to support her statement. In addition, she had mixed up several different cases, some of which had already been examined and pronounced upon by the Commission, particularly under the procedure laid down in Economic and Social Council resolution 1503 (XLVIII).

8. As far as the right to leave the country was concerned, he assured the representative concerned that there were a thousand ways of leaving Cuba. Inter alia, the United States could reach an agreement with the Cuban Government to facilitate the departure of all Cubans who wished to emigrate. The representative of the International Association of Educators for World Peace had also held the Cuban Government responsible for the situation of children who had remained in Cuba when their families were abroad. She had omitted to say that it was the families that had abandoned them. In order to leave Cuba, the children had to satisfy the conditions demanded in the relevant regulations.

9. Finally, before denouncing the reprisals allegedly carried out against individuals who had had contact with the mission sent to Cuba by the Commission on Human Rights in 1988, she should have taken the trouble to read the Secretary-General's report on the mission.

10. The mendacious statements made to the Commission by certain organizations which attacked the Governments of States Members of the United Nations and criticized the work done by the Secretary-General in the course of his duties did nothing to enhance the prestige of non-governmental organizations. Perhaps the time had come for the Commission to review the role of such organizations.

11. Mr. ILIOPOULOS (Observer for Greece), speaking in exercise of his right of reply, regretted that, in an obvious attempt to deny his country's responsibility for the 1974 invasion of Cyprus, the observer for Turkey had also referred to Greece. The Greek delegation reserved the right to speak on the effects of the invasion on the human rights of the Cypriot people, which it would address under item 12 (a) of the agenda.

12. Mr. RICUPERO (Brazil) said that the optimism which had characterized the Commission's discussions at its previous session was no longer appropriate due to the events which were taking place in the Gulf. Nevertheless, however worrying these events might be, they should not overshadow other problems which affected the life of the majority of the world's population, including the growing disparities between the rich and the poor and the economic imbalances which hindered the development of most societies. It was indisputable that human rights could not be realized in those conditions and for that reason the Brazilian delegation wished to emphasize the need for greater international economic cooperation. Brazil had itself suffered the effects of the current economic imbalance in all spheres of activity, including the efforts it had made to promote and protect human rights.

13. The Brazilian Government had in fact accorded high priority to promoting and defending human rights and it had introduced a policy of total openness in that field. It was for instance in contact with national and international non-governmental organizations which, as a result of the dialogue, participated broadly in the meetings of the Brazilian Council for the Defence of Human Rights. The Council, chaired by the Minister of Justice, was made up of representatives of Parliament, the Bar, the police, the press, the Church, the judiciary and many other organs and institutions of Brazilian society. Furthermore, movements which represented the interests of particular segments of the population, such as the National Movement of Street Children, participated directly in governmental projects and inquiries which concerned them. The Brazilian Government, which fully acknowledged the competence of

the United Nations bodies concerned with human rights, had taken due cognizance of all the reports prepared by the special rapporteurs of the Commission on Human Rights as well as complaints laid by non-governmental organizations in so far as the complaints contained concrete data. Nevertheless, those kinds of initiatives had not yielded all the results desired and human rights continued to be violated in Brazil.

14. The Brazilian delegation had decided to address the situation in Brazil under item 12 of the agenda not in order to ask for the indulgence of the international community but rather to draw the Commission's attention to the difficulties encountered by democratic developing countries in their efforts to improve the human rights situation in their country. The Brazilian Government, as well as the Governments of other Latin American countries, faced structural and financial obstacles which prevented it from carrying out well-thought-out projects and which restricted the efficiency of judicial bodies and law enforcement agencies. The international community had therefore to devote more attention to the underlying causes of violence, social unrest and poor performance of the police and courts in developing countries. The Brazilian Government was perfectly conscious of its obligations and responsibilities in the promotion and protection of human rights, but it noted the absence of genuine cooperation to improve the economic situation of countries in which the majority of humanity lived and it feared that in those conditions, human rights would remain for a long time an ideal difficult to realize.

15. As for the situations coming under item 12 of the Commission's agenda, his delegation thought that particular attention should be given to the case of Kuwait, whose people had been the victim of numerous violations of its rights since the invasion of the country by foreign forces. His delegation considered that the Commission could and should strongly condemn those responsible for the suffering of the Kuwaiti people and contribute to future efforts to restore its rights.

16. As for Cyprus, the Commission should continue the action required by its previous resolutions on the question in conformity with its decision 1990/104, because information available indicated that human rights continued to be violated in Cyprus. The Brazilian delegation also welcomed the decision made by the Sub-Commission at its previous session to bring the question of East Timor once more before the Commission. In both cases, it urged the parties concerned to make a decisive effort to reach satisfactory and lasting solutions for the problems outstanding.

17. The situation in Afghanistan, which the Commission on Human Rights had been considering since 1984, remained worrying and his delegation shared the opinion of Mr. Ermacora, Special Rapporteur on Afghanistan, who, in his report (E/CN.4/1991/31), had expressed the hope that, in spite of the overwhelming political problems currently preoccupying the United Nations owing to different crises, the Afghan conflict and the Afghan people, who needed international solidarity, would not be forgotten.

18. The Brazilian delegation noted with interest the positive evolution in the human rights situation in El Salvador, as observed by the Special Representative of the Commission on the question, Mr. Pastor Ridruejo, and it hoped that the negotiations embarked upon under the auspices of the representative of the Secretary-General between the Salvadorian Government and

the FMLN would lead to the return of peace and full observance of human rights in the country. Furthermore, with regard to Haiti, his delegation wished to express its satisfaction at seeing the will of the people of Haiti respected, and it wished President Jean-Bertrand Aristide success in his efforts to restore calm and legality to his country. Finally, his delegation, which for the sake of brevity would not mention certain other situations considered under item 12, nevertheless wished to say that it welcomed the very encouraging report submitted by Mr. Voyame on Romania.

19. In conclusion, the Brazilian delegation wished to make it clear that the Brazilian Government considered non-governmental organizations which defended human rights to be important allies in a common struggle. It was convinced that national sovereignty should not serve to cover up human rights violations in any country, and was thus open to dialogue with governmental or non-governmental international organizations on the situation in Brazil and in other countries on condition that the dialogue should always be characterized by balance, objectivity and a constructive approach, and to provide them with information on any issue which might still give rise to doubts as to Brazil's policy regarding human rights.

20. Mr. Bernales Ballesteros (Peru) took the Chair.

STATEMENT BY MR. EDMUNDO VARGAS CARREÑO, UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS OF CHILE

21. The CHAIRMAN, introducing Mr. Vargas Carreño, noted in particular that he had occupied the posts of Legal Adviser to the Ministry of Foreign Affairs of Chile and Executive Secretary of the Inter-American Commission on Human Rights.

22. Mr. VARGAS CARREÑO said that, in conformity with resolution 1990/78, adopted by the Commission at its forty-sixth session, he wished to inform members of the Commission about the follow-up to the recommendations adopted by the United Nations concerning the restoration of human rights and fundamental freedoms in Chile. Before the collapse of the democratic régime, human rights had occupied a prominent place in the relations between the United Nations and Chile, which had worked tirelessly for civil, political, economic, social and cultural rights and had striven, in particular, to solve the problem of social marginalization. When the military had taken power in 1973, a powerful human rights movement had emerged in Chile and in 1990 had at last succeeded in restoring the country's civic traditions.

23. Throughout the 17 years that the military régime had lasted, the advocates of democracy, the victims of the régime and human rights organizations had relied on the moral support of the United Nations and the General Assembly, the Commission on Human Rights and the Inter-American Commission on Human Rights, which had played a fundamental part in combating a number of particularly serious infringements of human dignity and in restoring democracy. For that support, he wished particularly to thank the United Nations, the Commission on Human Rights, the Ad Hoc Working Group and Special Rapporteurs Diéye, Lallah and Jiménez. Chile, free once more, was now striving to re-establish democracy under a democratically elected Government. He recognized that the 1980 Constitution was not entirely satisfactory, but it was in accordance with its provisions that Chile's former democratic tradition had been restored. However, the Government would have to introduce important changes, when the time was right, in order to strengthen the new order. That

process had already begun before the current Government had taken power. Indeed, two very important human rights amendments had been made to the Constitution immediately after the plebiscite of 1988. First, it had been acknowledged that national sovereignty was limited by the requirement of respect for the individual, and that the State was required to promote and defend the human rights set out in the Constitution and in the international covenants ratified by Chile. Secondly, the state of emergency had been reformed to make it more compatible with the provisions of article 4 of the International Covenant on Civil and Political Rights.

24. The new Government had set itself four objectives in the human rights field. First, it had undertaken not to approach the violations of human rights committed under the military régime in a spirit of revenge, but in such a way as to establish the truth in the most serious cases and punish those responsible. Accordingly, President Aylwin had established the "National Commission for Truth and Reconciliation", whose task it was to investigate such violations as executions of political opponents, cases of disappeared detainees and cases of death under torture. The Commission's aim was not to replace the courts, whose independence the Government had to respect, but to complement their activities. On 8 February 1990, it had submitted a report to the President of the Republic who, after studying it, would make it public. The Commission had collected information from human rights organizations and had received more than 4,000 pieces of evidence from Chile and abroad, in addition to information communicated by the armed forces. It had thus been able to draw up an objective report in which it recommended various legal and administrative measures aimed at preventing attacks on individual human dignity in future - the most effective measure being the strengthening of democracy itself - and suggested the arrangements that should be made to redress the wrongs suffered by the families of the victims. In addition, the courts had continued to investigate the most serious cases of human rights violations, following the complaints that had been lodged and the discoveries of secret common graves into which the bodies of many opponents of the military régime had been thrown. Unfortunately, the courts had implemented the 1978 amnesty law, ordering the dismissal or filing of the cases investigated.

25. The Government had undertaken to restore the right to justice and to guarantees of due legal process, which was to be effected in two stages. Initially, outstanding cases, which mainly concerned the situation of persons imprisoned under the former régime for political reasons were to be settled. The fundamental reform was to prevent civilians being tried and sentenced by military courts. It had to be emphasized that President Aylwin, by remitting their sentences, had already freed all political prisoners eligible for a presidential pardon, namely, those who had been sentenced for offences unrelated to the anti-terrorism law. Such measures, which would need to be complemented by a vital constitutional reform, would allow the legal and constitutional problems to be removed that had to date prevented the release of prisoners. Except for the provisions aimed at restoring the right to due legal process, none of the provisions was applicable to terrorist acts committed since the fall of the military régime.

26. Later on, the Government would propose several legal and consitutional reforms bearing on the administration of justice as a whole, which would have the aim of guaranteeing the independence of the judiciary and absolute respect for the rules of due legal process.

27. The Government had undertaken further to incorporate the international covenants and conventions on human rights into domestic law. In 1990, Chile had ratified the 1969 American Convention on Human Rights, thus recognizing the competence of the Inter-American Court of Human Rights to deal with any violations of such rights that had been committed after the fall of the military régime. It had also ratified the Convention on the Rights of the Child and was to ratify the Additional Protocols to the 1949 Geneva Conventions within the next few days. In addition, the Chilean Government had submitted to Parliament for approval the Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sport. Chile had also withdrawn its reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Inter-American Convention to Prevent and Punish Torture. In accordance with article 41 of the International Covenant on Civil and Political Rights, the Chilean Government had in September 1990 recognized the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claimed that another State party was not fulfilling its obligations under the Covenant.

28. Finally, and most important, the Chilean Government had firmly pledged itself to respect human rights. Recalling the main issues of concern noted by the Commission in its resolutions 1985/47, 1986/63, 1987/60, 1988/78, 1989/62 and 1990/78, he emphasized that there was no longer a state of emergency and there were no restrictions on habeas corpus and other legal remedies in Chile. The punishments of banishment and internal exile were no longer in force and Chileans were free to enter and leave their country. In its concern to make it simpler for exiles to return, the Government had even established a national office responsible for resolving the many difficulties encountered by Chileans returning to their country in areas such as, inter alia, education, employment, and social security.

29. Since the advent of the new régime, there had been no cases of enforced disappearance, the clandestine prisons had been abolished and the private gangs linked to the security forces were no longer active. The authorities no longer resorted to intimidation or kidnapping. The murder of opponents and summary executions had ended. The use of torture had virtually ceased but, to make doubly sure, a law had recently been promulgated under which judges could appoint doctors from outside the prison system and direct them to visit and report on the state of health of a particular detainee. Representatives of the International Committee of the Red Cross (ICRC) had visited Chile's detention centres in recent years and the ICRC had decided to recall its Chilean delegation in the near future, thus confirming that its presence was no longer justified. He therefore took the opportunity to thank the International Committee of the Red Cross for the part that it had played in combating torture in Chile.

30. With regard to freedom of expression, a law had been promulgated on 13 February 1990 to remove the restrictions that had allowed military courts to order journalists to be imprisoned.

31. Turning to economic, social and cultural rights, new labour laws had been promulgated that had the support of the main Chilean trade union organizations. In addition, the minimum salary had undergone major readjustments.

32. With regard to the rights of indigenous peoples, the Government had taken measures to ensure that such groups enjoyed the protection they needed. A National Commission of Indigenous Peoples, composed of representatives of the minorities' main organizations had been set up and took part in the formulation of State policy towards them. It had to be emphasized that the rank and file were consulted on the subject of draft laws drawn up for the benefit of such minority groups. The Government had also submitted for Parliamentary approval the Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169). Finally, emergency programmes had been devised that had received the support of the communities concerned.

33. The Chilean Government had thus adopted the measures needed for the country to regain its place in the community of nations that respected the human person and worked to promote his fundamental rights. He once again thanked the international community, and the United Nations in particular, for their aid to the Chilean people when it was living through the most difficult time in its history. The solidarity shown to Chileans had not only enabled human lives to be saved and much suffering to be alleviated, but had also shown that the international community recognized Chile's democratic tradition. Today, the Chileans appreciated the value of their democratic tradition still more and could form a better understanding of its significance: it was the creation of a people who believed that no one possessed a monopoly of the truth and on that basis, could seek to subjugate the rest of the population.

34. Mrs. RICO (Observer for Spain) said that the statement by the Chilean Under-Secretary for Foreign Affairs closed one of the most distressing and at the same time encouraging chapters in the Commission's history. For years it had been necessary to denounce serious violations of the most elementary human rights in a country that had had an exemplary democratic tradition. But the measures taken recently by the Chilean authorities showed that the efforts to defend human rights that had been deployed since September 1973 had not been fruitless.

35. Given its historical ties with Chile, Spain had for over a decade been in the forefront of efforts to ensure the observance of human rights in that country, in particular within the United Nations apparatus. She therefore wished to pay a tribute to all those who had fought, at the United Nations and elsewhere, for the Chilean people's rights and freedoms to be restored. The statement made by Mr. Vargas Carreño provided an accurate measure of the Commission's work and could only encourage its members' faith not only in Chile's democratic future but also in the importance of their own task. The statement was the best reward that the Commission could wish for its efforts.

36. Mr. HELLER (Mexico) welcomed the report just made by the Chilean Under-Secretary for Foreign Affairs on two counts; in the first place because its contents accorded with the new Government's undertaking the previous year to re-establish complete respect for human rights in Chile, and secondly, because the Mexican delegation, with others, had worked actively to draw the international community's attention to the situation in that country.

37. In September 1973, Chile's exceptionally rich democratic tradition had been brutally interrupted by the coup d'état that had overthrown President Allende and the country had entered a particularly painful stage in its history. But in 1990, after more than 16 years of campaigning for respect for human rights and freedoms and thanks to the moral support of the United Nations, democracy had been restored.

38. The case of Chile had shown that the existence of international standards and machinery in the field of human rights constituted an essential framework for those who struggled to invoke the law; it had also shown that international solidarity was the only remedy for victims of the repression inflicted by the military régime. But the credit for restoring democratic institutions belonged to the Chilean people itself; it was therefore clear that the United Nations action must be interpreted not as undue interference in the internal affairs of a State but as an essential manifestation of one of the international community's responsibilities.

39. The report just presented showed specifically that the Chilean Government had unambiguously honoured its commitments in the field of human rights by restoring the right to justice and a fair trial, by encouraging national reconciliation, by subscribing to multilateral instruments on human rights and, above all, by guaranteeing complete respect for human rights in the future.

40. The Mexican delegation was sure that the Chilean people's values, its democratic convictions and its historical experience were the best guarantees that democracy would be upheld. In addition, it was convinced that Chile would contribute resolutely to promoting the causes championed by the Commission.

41. Mr. SENE (Senegal) said that he wished to thank the Chilean Under-Secretary for Foreign Affairs for calling to mind the late Judge Dieye, who had done his utmost to perform the arduous task of investigating the human rights situation in Chile entrusted to him by the Commission.

42. Mr. Vargas Carreño's statement illustrated the efforts being made by the Chilean Government to implement international instruments relating to human rights and provided an accurate measure of the victories won by the international community in the fight for the fundamental rights and freedoms of the individual. In conformity with its democratic traditions, Chile was forging a new destiny for itself, the hallmarks of which were the primacy of the law and respect for human values and dignity.

43. The meeting was suspended at 11.50 a.m. and resumed at 12 noon.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

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(agenda item 12) (continued) (E/CN.4/1991/3, 4, 27-32, 33 and Add.1, 34, 36, 37, 69, 70, 74 and 77; E/CN.4/1991/NGO/5, 27, 29-31, 34 and 35; S/21907; A/45/567, 578, 607, 630, 664 and 697; E/CN.4/1990/22 and Add.1, 24-26 and 28 and Add.1)

44. Ms. ANDREYCHUK (Canada) said that the review undertaken under agenda item 12 reflected the fact that the protection of human rights was the responsibility of each State in its own territory and of all States throughout the world. It was because Canada wished international instruments on human

rights to be put into practice that it was so committed to the work of the Commission. The draft declaration on the right to promote and protect human rights, for example, was not about a theoretical situation, but about the numerous defenders of human rights actually being imprisoned, tortured or executed, as was the case in occupied Kuwait. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the Convention on the Rights of the Child - which Canada expected to ratify in the near future - also tackled very real problems. It was because the work of the Commission had direct impact on real life situations that Canada advocated increased resources for the human rights treaty bodies, the Centre for Human Rights and the Advisory Services Programme.

45. Although progress had been made in the more than 40 years since the adoption of the Universal Declaration of Human Rights, there was still a gap between principle and practice, and human rights violations had persisted in various parts of the world. Canada had been deeply disappointed by the failure of the Commission, at its previous session, to adopt a resolution condemning human rights violations in Iraq. The situation faced not only by the people of Iraq but also, since 2 August 1990, by the citizens of Kuwait and by foreign nationals in both those countries was known. The abuses, documented in a report prepared by Amnesty International in December 1990, had been recalled in the Commission the previous week by the Kuwaiti Planning Minister. The deployment of prisoners of war to strategic sites in Iraq and their public display for propaganda purposes, together with the conscription of foreign workers, were further flagrant violations of the 1949 Geneva Conventions to which Iraq was a party. Pending implementation of the Security Council resolutions concerning Kuwait, the Canadian delegation strongly condemned such violations of human rights together with the attempt made by the representative of Iraq a few days previously to exempt them from criticism in the Commission on the grounds that Kuwait was in the hands of Iraqi troops.

46. It was encouraging that the Islamic Republic of Iran had twice agreed to receive the Special Representative of the Commission in 1990, but continuing violations of fundamental rights, such as the right to life, and the treatment of religious minorities remained matters of concern. In the Syrian Arabic Republic, although there had been reports of improvements in the conditions under which certain members of minority communities were being detained, efforts still needed to be made with regard to judicial procedure in particular.

47. Despite significant progress in the USSR, problems remained and violent repression in Lithuania and Latvia was at odds with the Soviet commitment to perestroika and glasnost. Canada recognized the existence of Lithuania, Latvia and Estonia de jure and had never recognized their forcible annexation to the USSR. Negotiations should be started as soon as possible to seek solutions consistent with the legitimate rights and aspirations of the Baltic States.

48. In Myanmar, it was reported that torture, arbitrary arrests, political persecution and actions against certain Buddhist organizations were still continuing, in blatant disregard of the Universal Declaration of Human Rights and contrary to the commitments undertaken before the elections of May 1990. The country's authorities ought to demonstrate their commitment to democracy and human rights.

49. In China, the recent trials of dissidents associated with the events of 1989 and the plight of the activists still in detention gave rise to concern, not only about the conduct of the judicial process, but also because the grounds on which most of the dissidents were arrested and charged would not be considered criminal by generally-recognized international standards. Whereas every individual had the right to a fair and public hearing under the Universal Declaration of Human Rights, which all Member States of the United Nations were called upon to respect, those provisions had not been entirely respected during the trials in question; and even though the sentences passed had been less severe than expected in many cases, the situation was still troubling. On the other hand, the release of a large number of detainees was welcome and it was to be hoped that the fate of those remaining in detention since 1989 would soon be dealt with positively. China's leaders should also give careful attention to redressing the human rights situation in Tibet.

50. Conflict was continuing in Cambodia where the right to life and the right of self-determination, in particular, continued to be denied. Canada reaffirmed its commitment to the peace process undertaken by the Paris International Conference on Cambodia, in the hope that 20 tragic years of turmoil could be brought to an end. In Afghanistan too, only a political solution achieved through negotiation and dialogue could end the human rights abuses committed by the Najibullah régime and the Mujahedeen. Canada called for a reduction in the supply of weapons so as to encourage a process of national reconciliation leading to the formation of a non-aligned representative government.

51. In Sri Lanka, the hostilities and violence were continuing and the Government had done little over the past year to resolve the situation. The Government should exert all possible efforts to achieve a negotiated settlement and a durable and equitable peace, ensuring respect for the human rights and welfare of the civilian population.

52. Hostilities and violence were also continuing in several parts of India, in particular Jammu and Kashmir. However, it was encouraging that the Government of India and Amnesty International had initiated a dialogue on investigations of human rights abuses.

53. With regard to Indonesia, Canada welcomed the conference on human rights sponsored by the United Nations recently held in that country, but regretted both the fact that international non-governmental organizations did not yet have unhindered access to East Timor and the continuing allegations of human rights abuses there and elsewhere. Canada urged the Indonesian authorities to address the situation existing in that area.

54. The situation in the Horn of Africa remained intolerable. In Sudan and Somalia, the Governments and rebel groups had made no serious attempt to achieve negotiated settlements. In Ethiopia, on the other hand, rebel groups and the Government were beginning to cooperate in a spirit of humanitarian concern. But the situation in general was still intolerable. The parties to the conflicts in Sudan - where the enjoyment of all civil and political rights and the rule of law had been suspended - and in Somalia - where gross abuses of fundamental rights had continued - should agree to cease-fires and start negotiations. Reports received indicated that numerous human rights violations were also continuing to occur in Mauritania.

55. While there had been progress in some parts of Central and South America, the human rights situation in El Salvador was still serious. In Guatemala, despite the recent democratic elections and the progress made towards political reconciliation, the Government should be encouraged to take the necessary steps to end the escalating violence.

56. With regard to Cuba, Canada welcomed its Government's recent grant of exit visas to the family of a Canadian resident, but was none the less concerned about the apparent deterioration in the overall human rights situation during the past year. Canada also deplored the violence being perpetrated in certain countries of the Andean region by guerrilla movements, military or paramilitary groups and, especially, drug traffickers, which was a threat to the democratic institutions of the region. The situation in Peru also gave rise to concern.

57. On the other hand, the progress achieved in the area of human rights in Haiti, Lebanon, Benin and Zaire was a source of hope. South Africa was also continuing to make encouraging progress on human rights. Some progress had also been observed in Albania, but the situation continued to be disquieting.

58. As it approached the year 2000, the international community faced the challenge of creating a world in which all citizens enjoyed the fundamental rights and freedoms set out in the Universal Declaration of 1948, and Canada was more than ever committed to working with the rest of the international community, in particular through the Commission and other multilateral bodies, through bilateral relationships and through its own institutions, such as the newly established International Centre for Human Rights and Democratic Development in Montreal.

59. Mr. ACHA PRADO (Observer for Bolivia) said that he wished first of all to assure the Chairman of the session, the representative of Peru, of Bolivia's solidarity with the Peruvian people in the difficult situation it was facing in the public health sector.

60. The previous year, it had been possible to hope that the new political and social climate and the strengthening of the process of democratization in many countries heralded a new era in international relations. However, the current situation was one of armed confrontation, the consequences of which were impossible to predict.

61. Bolivia, like all the countries that had supported the Security Council's resolutions, in particular resolution 660 (1990) called for Kuwait's independence and sovereignty to be restored and the re-establishment of international peace and security in the Gulf region. It also hoped that once those aims had been achieved, all the problems confronting that region of the world, and the Palestinian question in particular, would be resolved peacefully in accordance with the provisions of the Charter of the United Nations.

62. In Bolivia, which was now a representative multi-party democracy, the rule of law prevailed and human rights were observed in their entirety. Since the re-establishment of democracy in 1982, the authorities had been striving to guarantee justice, fairness, tolerance, freedom and equality in social, cultural and political relations. No one was detained for political reasons or trade union activities any more. No case of enforced disappearance had

been recorded and the few cases still before the Working Group on Enforced or Involuntary Disappearances dated from the previous period and were in course of settlement. A case brought against the former dictator General Luis García Mesa and his closest collaborators was currently before the Supreme Court; the case was proceeding in accordance with the law and, according to the President of the Republic himself, should enter its final stage without delay.

63. The problem of terrorism was of particular concern to the Bolivian Government. Following terrorist activities, the authorities had recently had to undertake operations which had cost the lives of two innocent victims. To avoid such deplorable incidents being repeated, the Bolivian Government was ready to support any initiative taken by the Commission for the preparation of an international instrument aimed at combating terrorism and for the organization of an international conference for that purpose, as the General Assembly had proposed at its forty-second session. In the same spirit, the Bolivian delegation had co-sponsored Commission resolution 1990/75, introduced by the Peruvian delegation.

64. Because human rights were indivisible, sight should not be lost of the right to development, which was a real social right and one of the most important. But in trying to implement that right, the developing countries were encountering enormous difficulties, the most crushing of which was external debt and the adoption of economic adjustment policies which had a very high social cost and could affect the enjoyment of certain fundamental human rights and endanger democratic institutions themselves. Moreover, the international community, which had not been sparing in its assistance to certain countries in former times and was still according it to others, had not done enough to maintain that effort. Bolivia, for its part, had nevertheless tried, by means of various legislative provisions, to guarantee the effective enjoyment of civil and political rights by strengthening democracy, so far as it could, and to ensure economic growth as well, because it objected to establishing any kind of hierarchy among the different human rights.

65. However, drug trafficking, with its direct impact on social and economic rights, constituted a serious problem in countries like Bolivia which produced coca leaf. Thousands of rural workers devoted themselves to the illegal cultivation of coca leaf because they had to survive and they had no other choice, given the economic situation inside the country and the absence of any foreign encouragement. The war on drugs, in which the international community had to play a part, therefore impinged on enjoyment of the right to development, and action should be aimed primarily at seeking substitute crops and establishing more profitable markets for new products. At the same time, the Bolivian Government had to continue suppressing drug production, while still ensuring respect for the law, national sovereignty and the environment.

66. Recognizing that the rule of law could only exist under a democratic and multi-party régime, the Latin American and Caribbean region had embarked on that path a decade previously and, although serious and persistent violations of fundamental human rights and freedoms were still occurring in some Central American countries, many, like Haiti for example, were striving to establish the conditions of peace and political stability necessary for the enjoyment of fundamental rights. The peace-making activities of the Secretary-General of the United Nations, which it had to be hoped would enable

the various conflicts to be settled on the basis of the principle of self-determination and the international standards prevailing in the field of human rights, should also be welcomed.

67. With regard to Cyprus, the Bolivian Government supported the Secretary-General's good offices mission and hoped that, thanks to his efforts, the United Nations resolutions favouring observance of that country's sovereignty, independence, integrity and non-alignment and the restoration of its inhabitants' fundamental rights would be implemented.

68. In South Africa, the odious apartheid system on which the Bolivian delegation had submitted a report to the Group of Three was apparently being dismantled. However, it was necessary to remain very vigilant, not to be satisfied with simple declarations and to ensure that the system was completely eliminated.

69. In conclusion, he hoped that the atmosphere of peace and hope which had only recently seemed assured would be firmly established. He also hoped that respect for the rule of law would make for further progress in the field of human rights.

70. Mr. ALANIZ PINELL (Observer for Nicaragua), speaking in exercise of the right of reply, thanked the Christian Democratic International for acknowledging publicly that there was now complete freedom in Nicaragua. He recalled that, as that body had indeed said, non-governmental organizations had remained silent about events in Nicaragua when rural workers were being murdered and the rights of indigenous peoples violated.

71. With regard to the Christian Democratic International's legitimate concern about disappearances, the assertions made in Geneva by the representative of Nicaragua's former Government the previous year, to the effect that the Working Group on Enforced or Involuntary Disappearances would remove outstanding cases from its records, were irrelevant to international humanitarian law. The current Nicaraguan Government rejected those assertions because it thought it obvious that the families of those who had disappeared must be given a definitive answer about the fate of their relatives. The Nicaraguan human rights organizations, which had been slandered on several occasions in the past, were investigating in complete freedom cases still being submitted of disappearances that had occurred under the former régime. They were doing so with the cooperation of the Government. In addition, Nicaragua would establish a post of special procurator for human rights with responsibility for such cases. Finally, with regard to disappearances attributable to the Nicaraguan resistance, it was the former Government that had spoken about them and even put forward a figure of 3,000 for those who had disappeared. But it had only been able to produce a list of 853 names, which had been given to the President of the United States, at that time Mr. Jimmy Carter. The Nicaraguan Human Rights Association had investigated those cases and noted that 70 names appeared twice on the list. Seven hundred individuals had been found, all in good health, in resistance camps and the Nicaraguan Human Rights Association was making inquiries to find the remainder. In conclusion, when the Nicaraguan resistance was demobilized, it could be seen that, contrary to accusations, there had not been any mass kidnappings to its camps.

72. Mr. KERKINOS (Observer for Greece), speaking in exercise of the right of reply, said that he had been startled to hear the representative of Yugoslavia include Greece in a list of countries with Yugoslav minorities. That was a manipulation of the facts, because there was no Yugoslav minority or "Macedonian national minority", as the representative of Yugoslavia had put it, in Greece.

73. The representative of Yugoslavia had raised once again the "Macedonian question" which had been practically forgotten since the Greek civil war of 1946-1949. That had been an unhappy period which Greeks of all shades of political opinion preferred to consign to history. It was also a black page in Greek-Yugoslav relations, because certain Yugoslav circles had tried at the time to capitalize on Greece's internal difficulties to advance claims on Greek Macedonia. Despite provocation, Greece had remained silent for 40 years, in the first place because the Slav element of the Greek population, after playing a seditious role during the Nazi and Fascist occupation and the civil war, had left the country en masse, so ending any prospect of it being manipulated from abroad and also because, at the time of the "cold war" and the delicate balance between East and West, such self-restraint contributed to preserving Greek-Yugoslav relations, which were important both in a bilateral and in a wider context. Until the death of President Tito, Belgrade itself had kept under control occasional references to a "Macedonian national minority", realizing that there was no foundation for any such claim.

74. From the middle of the 1980s, the Yugoslav Government had begun to lose control of nationalist elements in Skopje and it had seemed that "Macedonian" claims were attributable to nationalist fanaticism, but the Federal Government in Belgrade was also moving in that direction now, as the Commission had been able to see.

75. Historically, there had never been any mention of "Macedonians" among the nationalities living in what was now Yugoslavia, and it was only after the Second World War that the leaders in Skopje decided to call their republic by the name of the whole geographical area covering parts of Greece, Yugoslavia and Bulgaria. But if any country could identify itself with Macedonia for historical reasons, that country was Greece, which had been inextricably linked with Macedonia for over 30 centuries.

76. It was dangerous to invent a "nation", to seek who might belong to that "nation" and even to publish maps showing parts of Greek Macedonia as part of the Republic of Skopje.

77. In such troubled times, every care should be taken to acknowledge only genuine historical information and facts.

78. Mr. OBAID (Iraq), speaking in exercise of the right of reply, objected to the statement by the representative of Egypt, referring to an Egyptian plan for a peaceful solution to the Gulf crisis. It was the President of Egypt himself who had blocked such a solution when he had postponed the mini-summit of the representatives of Iraq, Saudi Arabia, Egypt and Yemen that should have met at Jiddah. It was he too who had approved the presence of foreign troops sent to strengthen certain countries' control over oil. And he again who had declared himself in favour of a war aimed at destroying Iraq.

79. As for the delegations of the United Kingdom and Canada, they had simply taken up the accusations being made by Western circles in order to discredit Iraq and justify the barbaric aggression currently taking place. The real reason for that aggression was the independence demonstrated by Iraq and its refusal to bend to Western aims.

80. Mr. DEMIRALP (Observer for Turkey), speaking in exercise of the right of reply, recalled that in 1974, as he had said in his statement on the previous day, a coup had been attempted by the then Government of Greece and its collaborators in Cyprus aimed at annexing Cyprus to Greece. Makarios himself had stated in the Security Council that the coup amounted to the invasion of Cyprus by Greece. The action of the representative of the current Greek Government in taking it upon himself to defend the operation mounted in 1974 confirmed the continuity of the policy of Greece with regard to Cyprus, which was the annexation of Cyprus to Greece.

81. Mr. ALFONSO MARTINEZ (Cuba), speaking in exercise of the right of reply and referring to the statement made during the meeting by the representative of Canada, said that there had been no deterioration in the human rights situation in his country. Everybody in Cuba could enjoy their rights in peace. Only those who broke the law had to answer for their actions. Detainees were not ill-treated, though some had recently demonstrated a lack of discipline and it had therefore been necessary to use a minimum of force to ensure that they complied with the regulations. That was what would happen anywhere else. The Cuban Government respected international law just as much as the Government of Canada did. Canada, for its part, would do well to respect the human rights of its own indigenous peoples.

The meeting rose at 1 p.m.